

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

May 29, 1947  
10:15 A.M.

Council Chamber, City Hall

The meeting was called to order, with Mayor Miller presiding.

Roll call

Present : Councilmen Bartholomew, Johnson, and Mayor Miller - 3  
Absent : Councilmen Glass and Thornberry - 2

Present also: Guiton Morgan, City Manager; T. E. O'Quinn, City Attorney; J. E. Motheral, Director of Public Works; and R. D. Thorp, Chief of Police.

The reading of the Minutes was dispensed with.

Glen S. Wilson, President of the Franklin D. Roosevelt Memorial Foundation, came before the Council and submitted an application in writing from said Foundation asking that the City Council designate a location on city-owned property for the erection of a memorial to the late Franklin D. Roosevelt. Following the discussion, Councilman Johnson moved that the Council take the matter under advisement to determine the most fitting site, whether in a city park or elsewhere on city-owned property, and that said memorial be placed there, with the approval of the committee. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Johnson, and Mayor Miller

Noes : None

Absent: Councilmen Glass and Thornberry

A petition, signed by residents in the vicinity, asking that a street light be placed at King's Lane and 32nd Street, was received. The matter was referred to the City Manager for attention.

Roger M. Busfield, spokesman for a committee from the Little Theatre of Austin, Inc., a non-profit cultural organization of Austin citizens interested in preserving and encouraging the spoken drama from a civic standpoint, submitted a request in writing by said organization, asking that the City of Austin enter into an agreement with the Little Theatre of Austin, Inc., for not more than three acres of land situated just west of the Lamar Boulevard bridge and including the building known as the Butler homestead, upon

which the Little Theater may construct, without cost to the City of Austin, a building suitable for the activities of the organization, said lease to be for a period of five years, with recapture clause for the City of Austin, the design of the building to be approved by the City Plan Commission. The matter was taken under advisement to determine the best location for the site, and Mr. Busfield was advised that he would be given an answer at the next regular meeting.

The application of Forest Trafton, by Goldsmith & Bagby, Attorneys, for a change in zoning, from "A" Residence District to "C" Commercial District, of property known as the north 48-5/6 feet of Lot 3, Block 6, Henry B. Sieders Subdivision, being the southeast corner of 40th Street and Alice Avenue, was received. Councilman Bartholomew moved that the matter be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Johnson, and Mayor Miller

Noes : None

Absent: Councilmen Glass and Thornberry

The application of J. Richard Wilkerson for change in zoning, from "A" Residence District to "C" Commercial District, of Lot No. 9, located in Plaza Place, Block C, facing Georgetown Road; and Lots Nos. 1, 2, and 3, behind Lot No. 9, facing Shirley Avenue, was received. Councilman Johnson moved that the matter be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Johnson, and Mayor Miller

Noes : None

Absent: Councilmen Glass and Thornberry

Councilman Bartholomew introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL APRIL 23, 1931, AND RECORDED IN ORDINANCE BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE DESIGNATION FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "B" RESIDENCE DISTRICT AND SECOND HEIGHT AND AREA DISTRICT ON LOTS 1, 2, 3, 4, 5, and 6, OUTLOT 52, BEING LOCATED ON THE NORTH SIDE OF WEST 25TH STREET IN THE 700 AND 800 BLOCKS, ALL IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGES HEREBY ORDERED; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and laid over.

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed to enter into a contract, on behalf of the City of Austin, with Walter Staehely for the construction of water mains in Bannister Acres Subdivision, all in accordance with the terms and provisions of a certain contract, a copy of which is attached to this Resolution and made a part hereof for all purposes.

(Contract attached)

THE STATE OF TEXAS :  
COUNTY OF TRAVIS :

This contract made and entered into by and between the City of Austin, a municipal corporation situated in Travis County, Texas, and Walter Staehely, of the County of Travis and State of Texas, WITNESSETH:

I.

For the consideration hereinafter stated, City of Austin agrees to furnish all labor, tools, equipment, implements, appliances and materials necessary to lay, and agrees to lay, certain water mains and other pipes, in accordance with plans and specifications prepared or approved by the Director of Utilities and the Director of Public Works of the City of Austin, in the streets and at the locations described as follows:

Six inch (6") cast iron water mains in Bannister Acres Subdivision, Travis County, Texas, to be located as follows:

In Gillis Lane from Fortview Road to Redd Street,  
a distance of approximately 1551 feet; and

In Bannister Lane from Fortview Road to Redd Street,  
a distance of approximately 1551 feet.

II.

It is estimated that the work described in Paragraph I will cost the sum of Four Thousand Two Hundred Sixty-six Dollars and Thirty-four Cents (\$4,266.34) when completed, and Walter Staehely, in consideration of the benefits to be derived by him and his successors from the improvements above described, agrees to deposit such sum of money with the City of Austin prior to the commencement of such work.

III.

Within a reasonable time after the deposit of such sum of money as provided in Paragraph II, the City of Austin agrees to commence construction of the improvements described in Paragraph I, and to prosecute said work in a good and workmanlike manner and with reasonable diligence until fully

completed; but delays occasioned by matters and events over which the City has no control shall be accepted and not included in the time reasonably required to complete the work.

IV.

The deposit provided for in Paragraph II is an estimate only of the cost of constructing the improvements described in Paragraph I, and it is agreed that if the actual cost of such work is less than the amount so deposited, the City of Austin, after the work is completed, will refund to Walter Staehely the difference between the actual cost and the estimated cost of such work, but if the actual cost of such work shall exceed the amount of such deposit, Walter Staehely agrees, upon notice from the City, immediately to deposit an additional sum to make up the difference between the estimated cost and the actual cost of the work. The amount of actual cost of the work shall in any event be retained by the City and shall not be refunded.

V.

It is agreed that title to all such improvements herein provided for shall be and remain in the City of Austin, and the City may make such repairs, changes and connections therewith as may be proper or necessary to the orderly conduct of its water system.

VI.

Walter Staehely further agrees to obtain for the City of Austin, or to obtain and transfer to the City of Austin, all easements across private property which may be necessary for the construction of the improvements herein provided for, and for the connection of such improvements with the present water system of the City.

VII.

Upon completion of said improvements, City of Austin agrees to connect such water mains with its water system, and thereafter to maintain them as a part of such system.

IN TESTIMONY WHEREOF, the City of Austin has caused this instrument to be executed in duplicate by its City Manager, attested by its City Clerk, with its Corporate Seal affixed, and the said Walter Staehely has executed this instrument in duplicate this the \_\_\_\_ day of \_\_\_\_\_, 1947.

CITY OF AUSTIN

By \_\_\_\_\_  
City Manager

Attest:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Walter Staehely

Approved:

\_\_\_\_\_  
Director of Public Utilities

Director of Public Works

City Attorney

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Johnson, and Mayor Miller

Noes : None

Absent: Councilmen Glass and Thornberry

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN;

That the City Manager be and he is hereby authorized and directed to enter into a contract, on behalf of the City of Austin, with Rexford D. Kitchens for the construction of water mains and sanitary sewer mains in Royal Oaks Subdivision No. 1, all in accordance with the terms and provisions of a certain contract, a copy of which is attached to this Resolution and made a part hereof for all purposes.

(Contract attached)

THE STATE OF TEXAS :

COUNTY OF TRAVIS :

KNOW ALL MEN BY THESE PRESENTS;

This contract made and entered into by and between the City of Austin, a municipal corporation situated in Travis County, Texas, hereinafter for convenience sometimes called the City, and Rexford D. Kitchens of Travis County, State of Texas, hereinafter for convenience sometimes called the Customer, W I T N E S S E T H :

I.

(a) The City of Austin for the consideration hereinafter stated agrees to furnish all labor, tools, equipment, implements, appliances, and materials necessary to lay and agrees to lay the certain water mains and other pipes on the streets and at the locations described as follows:

Six-inch (6") cast iron water main in Deep Eddy Avenue and Meriden Lane from the south to the north boundary of Royal Oaks Subdivision, Section 2; six-inch (6") cast iron main in West 9th Street from Meriden Lane to west boundary of subdivision; six-inch (6") cast iron water main in easement extending east from Meriden Lane to Highgrove Terrace thence east in Highgrove Terrace. Two-inch (2") cast iron main in West 8th Street from Highgrove Terrace to eastern boundary of Royal Oaks Subdivision Section 1.

(b) The City of Austin for the consideration hereinafter stated agrees to furnish all labor, tools, equipment, implements, appliances and materials necessary to lay and agrees to lay the certain sanitary sewer mains and other sewer pipes on the streets and easements at the locations described as follows:

Six-inch (6") sewer mains in West 9th Street from Winsted Lane to eastern boundary of subdivision of Royal Oaks Subdivision No. 1, in Highgrove Terrace easement between Lots 25 and 26 in West 8th Street from Winsted to eastern boundary of Royal Oaks Subdivision No. 1.

## II.

It is estimated that all the work contemplated under Paragraph I above will cost the sum of Twelve Thousand One Hundred Eighty Dollars (\$12,180.00) when completed, of which cost the sum of Six Thousand Six Hundred Eighty Dollars (\$6,680.00) is estimated to be the cost of the water lines and the sum of Five Thousand Five Hundred Dollars (\$5,500.00) is estimated to be the cost of the sewer lines; and the Customer, in consideration of the foregoing obligations to the City, which are assumed for the benefits of the Customer in order to furnish water service and sewer to him, agrees to deposit the sum of Twelve Thousand One Hundred Eighty Dollars (\$12,180.00) with the City of Austin prior to commencement of the work.

## III.

Within a reasonable time after deposit of the sum or sums of money as provided in Paragraph II, the City of Austin agrees to commence construction of the utility improvements described in Paragraph I and to prosecute said work in a good and workmanlike manner and with reasonable diligence until fully completed; but delays occasioned by matters and events over which the City has no control shall be excepted and not included in the time reasonably required to complete the work.

## IV.

The deposit provided for in Paragraph II is an estimate only of the cost of constructing the utility improvements described in Paragraph I; and it is agreed that if the actual cost of such work is less than the amount deposited by the Customer, the City of Austin after the work is completed will refund to the Customer the difference between the actual cost and the estimated cost of such work, but if the actual cost of such work shall exceed the amount of said deposit, the Customer agrees upon notice from the City immediately to deposit an additional sum to make up the difference between the estimated cost and the actual cost of the work.

## V.

Immediately after completion of the utility improvements described in Paragraph I, the City of Austin will furnish to the Customer a statement of such costs, together with the date of completion of the work; and the City of Austin is hereby authorized, through its officers or agents, to note on this contract the correct figures stating the actual cost of such work

and the date of completion.

VI.

It is agreed that the Customer shall be reimbursed for the money deposited as provided in Paragraph II above in the following manner:

Within sixty (60) days after the first day of January following completion of the work described in Paragraph I, the City shall pay to the Customer a sum equal to twice the gross amount of income realized by the City from the service and sale of water to its patrons having a direct connection with the water mains and sewer lines described above for the period of time immediately preceding the first day of January; and within sixty (60) days after the first day of January of each succeeding year the City agrees to pay to the Customer a sum equal to twice the gross income realized by the City during the preceding calendar year from the service and sale of water from said lines to its patrons having a direct connection with said water mains and sewer lines, until the total amount of the cost of construction of the utility improvements has been repaid; but in no event shall the City make such payments for a period of time longer than ten (10) years from the date of completion of said work (as such date is noted hereon under provisions of Paragraph V), even though the full cost of such work at the end of said time has not been refunded in full to the Customer; and if at any time before the expiration of said ten (10) year period the principal sum of such cost has been repaid, further payment shall cease.

VII.

It is agreed that the City may make such repairs and changes in all of said utility improvements, pipes, hydrants, and connections necessary to the orderly conduct of proper utility systems. Title to all said utility improvements shall be and remain at all times in the City of Austin.

VIII.

It is agreed that this contract is made with reference to the existing charter and ordinances of the City of Austin and laws of the State of Texas pertaining to all matters affecting this contract, and the Customer agrees to comply with all provisions of such laws, ordinances and charter.

IX.

It is agreed that the City of Austin may at its option retain any part or all of the deposit made by the Customer in compliance with Paragraphs II and IV of this contract and refuse to make the payments and refunds provided for in Paragraphs IV and VI of this contract in the event the Customer shall fail or refuse to comply substantially with any obligation lawfully imposed on the City of Austin regulating the platting, planning, and development of subdivisions within the City of Austin.

IN TESTIMONY WHEREOF, the City of Austin has caused this instrument to be executed in duplicate by its City Manager, attested by its City Clerk, with its corporate seal affixed, and the said Rexford D. Kitchens has executed this instrument in duplicate this the \_\_\_\_ day of \_\_\_\_\_, 1947.

Attest:

\_\_\_\_\_  
City Clerk

CITY OF AUSTIN

By \_\_\_\_\_  
City Manager

Approved:

By \_\_\_\_\_

\_\_\_\_\_  
Director of Public Utilities

\_\_\_\_\_  
Director of Public Works

\_\_\_\_\_  
City Attorney

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Johnson, and Mayor Miller

Noes : None

Absent: Councilmen Glass and Thornberry

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named and said maps or plans have been considered by the City Council; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Texas Public Service Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in WEST 36TH STREET from a point 176 feet west of Oakmont Boulevard westerly 182 feet, the centerline of which gas main shall be  $13\frac{1}{2}$  feet south of and parallel to the north property line of said West 36th Street.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

(2) A gas main in WEST 40TH STREET from a point 57 feet east of Sinclair Avenue easterly 90 feet, the centerline of which gas main shall be 13 feet south of and parallel to the north property line of said West 40th Street.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

(3) A gas main in WEST 37TH STREET FROM A POINT 108 Feet east of Jackson Avenue westerly 42 feet, the centerline of which gas main shall be  $13\frac{1}{2}$  feet south of and parallel to the north property line of said West 37th Street.



Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

(4) A gas main in MARTIN AVENUE from a point 15 feet north of East 54th Street northerly 58 feet, the centerline of which gas main shall be  $7\frac{1}{2}$  feet west of and parallel to the east property line of said Martin Avenue.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

(5) A gas main in EILERS AVENUE from East 46th Street south 25 feet, the centerline of which gas main shall be  $7\frac{1}{2}$  feet west of and parallel to the east property line of said Eilers Avenue.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

(6) A gas main in EAST 46TH STREET from Eilers Avenue easterly 65 feet, the centerline of which gas main shall be  $6\frac{1}{2}$  feet south of and parallel to the north property line of said East 46th Street.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignment, they shall apply to the Department of Public Works not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

And that whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

That the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid shall be under the supervision and direction of the City Manager and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Johnson, and Mayor Miller

Noes : None

Absent: Councilmen Glass and Johnson

City Manager Morgan submitted the following tabulation of bids received for the purchase of houses on the East 7th Street extension right-of-way:

" May 28, 1947

Memorandum to : Guiton Morgan, City Manager

Memorandum from: J. E. Motheral, Director of Public Works

Bids were received and opened at 11:00 A. M., May 28, 1947, for the purchase of houses from the City of Austin that were to be moved from the East 7th Street extension right-of-way. Seventeen bids were received and tabulated as follows:

ITEM 1

New 5-room frame with bath on Lot 5, Pipkin Addition No. 4 on west side 600 block Springdale Road.

High bidder - T. M. Cowan - Removal time \*10 days \$2,500.50

ITEM 2

Prefabricated house in Outlot 17, Division A, on property out of W. E. Wilson tract on east side 600 block Gunter Street

High bidder - J. M. Odom - Removal time 10 days 635.00

ITEM 3

2-room frame, on Lot 29, Paul Simms Addition, at south-east corner Carranza and Perdenales Streets

High bidder - Julia Ann Earls - Removal time \*10 days 306.00

ITEM 4

4-room box house, on Lot 1, Block 10, Lincoln Place, at southeast corner Morelos Street and H&TC RR (Llano Branch)

High bidder - J. R. Gephart - Removal time 15 days 200.00

ITEM 5

4-room stucco with bath, on Lot 32, Paul Simms Addition at 2507 Carranza Street

High bidder - John A. Joseph - Removal time 30 days 451.40  
\$4,092.99

\*These two people were contacted by Mr. Harry Smith after the bids had been opened and they stated that they could move the houses in the time shown above.

Attached is a tabulation sheet showing all the bids received. We recommend that the five houses be sold to the above high bidders.

(Sgd) J. E. Motheral. "

Councilman Bartholomew moved that the City Manager be directed to sell said houses to the high bidders in accordance with the foregoing tabulation of bids. The motion was seconded by Councilman Johnson and the same prevailed by the following vote:

Ayes : Councilmen Bartholomew, Johnson, and Mayor Miller

Noes : None

Absent: Councilmen Glass and Thornberry

Councilman Bartholomew offered the following resolution and moved its adoption:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the sum of \$1,800.00 be and the same is hereby appropriated out of the Parks & Playgrounds Bond Fund, not otherwise appropriated, for the purpose of purchasing approximately two acres of land for the Govalle Playground area to provide additional street frontage.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Johnson, and Mayor Miller

Noes : None

Absent: Councilmen Glass and Thornberry

Councilman Bartholomew introduced the following ordinance:

AN ORDINANCE PERPETUALLY CLOSING AND VACATING PORTIONS OF PERRY LANE AND PARKCREST DRIVE, AS SHOWN IN PLAT BOOK 4, PAGE 299, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Bartholomew moved that the ordinance be passed to its second reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Johnson, and Mayor Miller

Noes : None

Absent: Councilmen Glass and Thornberry

The ordinance was then laid over for its second reading.

Pursuant to published notice thereof, the public hearing on the application of Mr. and Mrs. Serapio Sanchez to amend the Zoning Ordinance of the City of Austin in the following particular :

To amend the USE designation of the following described property so as to change the same from "A" Residence District to "C" Commercial District, towit:

Lot 8 and the west half of Lot 7, Block C, Driving Park Addition, Outlot 50, Division O, being known as 2101 and 2103 Canterbury Street, in the City of Austin, Travis County, Texas,

was duly opened.

Judge D. J. Pickle, Attorney for applicant, spoke for the change, stating that his client wished to reopen the building as a store, the same having been used for this purpose prior to the inauguration of zoning.

Mr. Frank Bukowsky, Jr., and two ladies appeared to protest the change.

The hearing was then continued to the next regular meeting.

Councilman Bartholomew moved that the City Attorney be instructed to prepare an amendment to the Zoning Ordinance changing the zoning of property of the Austin Building & Development Company fronting Fredericksburg Road, extending from Bluff Street to the north line of Bluff View Addition, from "A" Residence District to "C" Commercial District, for passage at the next regular meeting. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Johnson, and Mayor Miller

Noes : None

Absent: Councilmen Glass and Thornberry

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, heretofore negotiations were commenced with The Orphan Home of the St. John Regular Baptist Association, a corporation, for the purchase by the City of Austin of the 303.15 acres of land owned and operated by the corporation as an orphanage, in the J. P. Wallace Survey in Travis County, Texas; and

WHEREAS, it was the intention of the City to acquire such property as a site for a United States Naval Hospital, and on June 14, 1945, the City Council of the City of Austin adopted a resolution directing the City Manager of the City of Austin to deposit in the registry of the United States District Court such sums of money as might be required for the condemnation of such land by the United States Government in a suit filed for the purpose; and

WHEREAS, information concerning the adoption of that resolution was forwarded to authorities of the United States Government, and subsequent thereto a condemnation suit was filed by the United States against such land; and

WHEREAS, by resolution, the Board of Directors of the orphanage thereafter authorized the sale of such property to the City of Austin for the sum of Eighty-five Thousand Dollars (\$85,000.00) cash; and

WHEREAS, on July 10, 1945, such Board of Directors adopted a resolution creating for the orphanage corporation the office of Vice President, and A. T. Thomas was duly elected to that office; and on the same date, the Vice President was authorized and directed by a resolution of the Board of Directors of the orphanage to execute a general warranty deed on behalf of said orphanage conveying to the City of Austin all of said land for the sum of \$85,000.00 in cash; and

WHEREAS, said orphanage, acting by and through A. T. Thomas, who was authorized as aforesaid, and the City of Austin, acting by and through

Walter E. Seaholm, City Manager, thereunto duly authorized by the City Council, entered into a contract for the sale of said property to the City of Austin, by the terms of which a deed to the property and the consideration therefor were to be placed in escrow at the American National Bank in Austin, Texas, pending examination and approval of the title to the property; and

WHEREAS, on said July 10, 1945, A. T. Thomas, Vice President, executed a general warranty deed on behalf of said orphanage conveying such property to the City of Austin in accordance with the resolution directing such act; and

WHEREAS, such deed was deposited with the American National Bank and the City of Austin deposited with said bank, Cashier's Check No. 12372 of the Capital National Bank, Austin, Texas, for the sum of \$85,000.00, payable to The Orphan Home of the St. John Regular Baptist Association, all in accordance with the contract theretofore executed by the orphanage and the City; and

WHEREAS, the City Council of the City of Austin then adopted a resolution authorizing the City Manager of the City of Austin to convey such property to the United States of America, upon delivery to the City of the deed from the orphanage; and

WHEREAS, pending the examination of title to such property, certain parties, purporting to be representative of said orphanage, attempted to repudiate the contract above mentioned, and notified the American National Bank of such fact, threatening to hold the bank liable for any damage resulting to the orphanage if the deed was delivered by the bank to the City of Austin; and

WHEREAS, upon the approval of title by the City of Austin, the American National Bank declined to deliver the aforementioned deed because of such threats, and the American National Bank has continued since that time to hold both the deed and the check heretofore mentioned; and

WHEREAS, R. J. Long, of Travis County, Texas, claiming to have acquired, by adverse possession of his predecessors, a part of the land included in the deed to the City, has now filed suit to recover such land so claimed by him and has named the City of Austin, the American National Bank and The Orphan Home of the St. John Regular Baptist Association, as defendants; and

WHEREAS, the City Council has been informed that plans for the construction of a Naval Hospital in or near Austin have been abandoned or indefinitely postponed; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager and the City Attorney be, and they are hereby, authorized and directed to take such steps as may be necessary to release the City of Austin from all obligation to the United States of America, and to The Orphan Home of the St. John Regular Baptist Association to purchase or to convey any of the property hereinabove referred to, and to recover or obtain refund of the Eighty-five Thousand Dollars (\$85,000.00) heretofore

paid by Cashier's Check to the American National Bank.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Johnson, and Mayor Miller

Noes : None

Absent: Councilmen Glass and Thornberry

The application of WADE WILLIAM SAULS, Colored, 815 San Marcos Street, for a license to operate as a taxicab a 1942 Studebaker, 2-door Sedan, Motor No. 212070, State License No. JC-3826, duly approved by the City Manager, was submitted. Councilman Johnson moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Johnson, and Mayor Miller

Noes : None

Absent: Councilmen Glass and Thornberry

The application of ELMER LEROY SMITH, Route 6, Box 122, for a license to operate as a taxicab a 1946 model Ford Sedan, Motor No. IGA-286687, State License No. JB-3621, duly approved by the City Manager, was submitted. Councilman Johnson moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Johnson, and Mayor Miller

Noes : None

Absent: Councilmen Glass and Thornberry

The application of DAVE WM. LOFTON, 1021½ East 11th Street, for a license to operate as a taxicab a 1941 Model Plymouth, Deluxe Sedan, 2-door, Serial No. F11-450308, State License No. DL-7924, duly approved by the City Manager, was submitted. Councilman Johnson moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Johnson, and Mayor Miller

Noes : None

Absent: Councilmen Glass and Thornberry

The application of WILLIAM S. TUCKER, 904½ West Mary Street, for a license to operate as a taxicab a 4-door Ford Sedan, 1942 Model, Engine No. 6816840, State License No. JB-5961, duly approved by the City Manager, was submitted. Councilman Johnson moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Johnson, and Mayor Miller

Noes : None

Absent: Councilmen Glass and Thornberry

The application of THOS. B. WOHLER, 4202 Avenue B, for a license to operate as a taxicab a 1941 Model, Chevrolet Sedan, Motor No. AA-275581, Serial No. 3AH11-16323, State License No. JB-7695, duly approved by the City Manager, was submitted. Councilman Johnson moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Johnson, and Mayor Miller

Noes : None

Absent: Councilmen Glass and Thornberry

The application of WALTER L. ROBINSON, Colored, 1105 Olive Street, for a license to operate as a taxicab a 1941 Model Ford Sedan, Motor No. 99A437984, State License No. FX-6481, duly approved by the City Manager, was

submitted. Councilman Johnson moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Johnson, and Mayor Miller

Noes : None

Absent: Councilmen Glass and Thornberry

The application of MONROE J. SCHREFFLER, 4601 Avenue H, for a license to operate as a taxicab a 4-door Chrysler Sedan, Windsor, 1940 Model, Motor No. C25-11788, State License No. JC-1600, duly approved by the City Manager, was submitted. Councilman Johnson moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Johnson, and Mayor Miller

Noes : None

Absent: Councilmen Glass and Thornberry

The application of JIM MOTEN, 402 East 6th Street, for a license to operate as a taxicab a 1936 Lincoln Zephyr, 4-door Sedan, Motor No. H10757, State License No. HZ-7631, duly approved by the City Manager, was submitted. Councilman Johnson moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Johnson, and Mayor Miller

Noes : None

Absent: Councilmen Glass and Thornberry

The application of ROBERT L. DUKE, Colored, Rosewood Courts #5, Apartment 1, for a license to operate as a taxicab a 1941 Ford Ruder, Motor No. 18-6709082, State License No. HZ-8695, duly approved by the City Manager, was submitted. Councilman Johnson moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Johnson, and Mayor Miller

Noes : None

Absent: Councilmen Glass and Thornberry

The application of ROBERT LEE DUKE, Colored, Rosewood Courts #5, Apt. 1, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Johnson, and Mayor Miller

Noes : None

Absent: Councilmen Glass and Thornberry

The application of HOWELL S. STEPHENS, 813-B G. I. Drive, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Johnson moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Johnson, and Mayor Miller

Noes : None

Absent: Councilmen Glass and Thornberry

The application of WALTER L. ROBINSON, Colored, 1105 Olive Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Johnson, and Mayor Miller

Noes : None

Absent: Councilmen Glass and Thornberry

The application of EWING HICKS, Colored, Samuel Huston College, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Johnson moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Johnson, and Mayor Miller  
Noes : None  
Absent: Councilmen Glass and Thornberry

The application of ROGER D. MITCHELL, Colored, 2406 East 12th Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Johnson moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Johnson, and Mayor Miller  
Noes : None  
Absent: Councilmen Glass and Thornberry

The application of MARCELLUS J. WASHINGTON, Colored, 2001 East 12th Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Johnson moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Johnson, and Mayor Miller  
Noes : None  
Absent: Councilmen Glass and Thornberry

The application of JIM MOTEN, Colored, 1209-B Walnut Avenue, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Johnson moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Johnson, and Mayor Miller  
Noes : None  
Absent: Councilmen Glass and Thornberry

The application of the DRIVE-IN CAFE, 815 Barton Springs Road, by Mrs. Pauline Davis, for a wine and beer license, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Johnson, and Mayor Miller  
Noes : None  
Absent: Councilmen Glass and Thornberry

The application of the McNAMARA BAKERY, 502 South Congress Avenue, by John J. McNamara, for a wine and beer license, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Johnson, and Mayor Miller  
Noes : None  
Absent: Councilmen Glass and Thornberry

The application of BILL'S PACKAGE STORE, 112 Congress Avenue, by W. R. Schneider, for a local distributor's beer license, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Johnson, and Mayor Miller  
Noes : None  
Absent: Councilmen Glass and Thornberry



The following applications for private boat licenses, duly approved by the Navigation Board, were submitted:

<u>Owner</u>	<u>Description</u>
Cain, Allen M. - 609 Bellevue Place	Army Ponton, Outboard, Sea King, 4-passenger
Capitol Boats, Inc. - 302 East 12th St	Steel Craft, Cabin Cruiser, 1947 Model, Chrysler, 8-passenger

Councilman Bartholomew moved that the licenses be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Johnson, and Mayor Miller  
Noes : None  
Absent: Councilmen Glass and Thornberry

Councilman Bartholomew introduced the following ordinance:

AN ORDINANCE AMENDING SECTIONS 12 AND 13 OF AN ORDINANCE PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN ON MARCH 7, 1946, AND RECORDED IN VOL. M, PAGE 127, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY FURTHER PROVIDING FOR THE POWERS AND DUTIES OF THE CITY TAX ASSESSOR AND COLLECTOR AND BOARD OF EQUALIZATION AND FOR THE FILING AND HEARING OF PROTESTS OF CHANGES IN VALUATIONS; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Bartholomew moved that the ordinance be passed to its second reading and laid over. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Johnson, and Mayor Miller  
Noes : None  
Absent: Councilmen Glass and Thornberry

City Manager Morgan submitted the following report on the widening of various streets as requested by the Chamber of Commerce Traffic Committee:

" May 27, 1947

Memorandum to : Guiton Morgan, City Manager

Memorandum from : J. E. Motheral, Director of Public Works

We have prepared approximate estimates of costs of widening various streets in the City of Austin as requested by Mr. Sandahl and Mr. Price of the Chamber of Commerce Traffic Committee. The estimates are as follows:

East 1st Street - from East Avenue to Pleasant Valley Road (4' on each side)

Estimated cost per lin. ft.:

Break out curb - gutter and driveways - -	\$ 1.00
Excavation	1.50
Curb and gutter	2.50

Paving -	\$4.50
Revision of utilities	3.25
Revision of sidewalks and driveways	<u>2.00</u>
	\$14.75

8000 lin. ft. x \$14.75 = \$118,000.00

Brazos Street: - from East 7th St. to East 11th St.  
(10' on west side)

Estimated cost per lin. ft.:

Break out curb - gutter and driveways	\$1.00
Excavation	4.00
Curb and gutter	2.50
Paving	10.00
Revision of utilities	3.25
Revision of sidewalks and driveways	2.00
Concrete protection walls	<u>2.50</u>
	\$25.00

1500 lin.ft x \$25.00 = \$ 37,875.00

Lavaca Street: - from West 6th St. to West 13th St.  
(10' on each side)

Estimated cost per lin. ft.:

Break out curb - gutter and driveway	\$1.00
Excavation	4.00
Curb and gutter	2.50
Paving	10.00
Revision of utilities	3.25
Revision of sidewalks and driveways	<u>2.00</u>
	\$22.75

2700 lin.ft. x \$22.75 = \$ 61,425.00

East and West 13th Street: - from Colorado St. to Brazos St.  
(15' on south )

Estimated cost per lin. ft.:

Break out curb and gutter	\$ 1.00
Excavation	3.00
Curb and gutter	2.50
Paving	7.50
Revision of utilities	2.25
Removing and replacing State Capitol Fence	<u>2.00</u>
	\$18.25

900 lin. ft. x \$18.25 = \$ 16,425.00

Colorado Street: - from West 10th Street to West 11th Street  
(10' on each side)

Estimated cost per lin. ft.:

Break out curb-gutter and driveways	\$ 1.00
Excavation	4.00
Curb and gutter	2.50
Paving	10.00
Revision of utilities	3.25
Revision of sidewalks and driveways	<u>2.00</u>
	\$22.75

350 lin.ft x \$22.75 = \$ 7,962.50

Whitis Street: - from West 24th Street to West 26th St.  
(10' on each side)

Estimated cost per lin. ft.:

Break out curb-gutter and driveways	\$ 1.00
Excavation	4.00
Curb and gutter	2.50
Paving	10.00
Revision of utilities	3.25
Revision of sidewalks and driveways	<u>2.00</u>
	\$22.75

800 lin.ft. x \$22.75 \$18,200.00

West 25th Street: - from Guadalupe Street to Whitis St.  
(10' on each side)

Estimated cost per lin. ft.:

Break out curb-gutter and driveways	\$ 1.00
Excavation	4.00
Curb and gutter	2.50
Paving	10.00
Revision of utilities	3.25
Revision of sidewalks and driveways	<u>2.00</u>
	\$22.75

350 lin.ft. x \$22.75 \$ 7,962.50

West 12th Street: - from Colorado Street to West Avenue  
(remove 20' of park area)

Estimated cost per lin. ft.:

Break out curb and gutter	\$ 1.00
Excavation	4.00
Curb and gutter	2.50
Paving	10.00
Revamping and planting park strip	<u>3.00</u>
	\$20.50

1800 lin.ft.x \$20.50 \$36,900.00

Guadalupe Street: - from West 8th St. to West 19th St.  
(10' on each side)

Estimated cost per lin. ft.:

Break out curb-gutter and driveways	\$ 1.00
Excavation	4.00
Curb and gutters	2.50
Paving	10.00
Revision of utilities	3.25
Revision of sidewalks and driveways	<u>2.00</u>

\$22.75

4000 lin.ft. X \$22.75	\$ 91,000.00
New R.O.W. at 19th St. and Guadalupe St.	100,000.00
Paving and curb and gutter on new R.O.W. (400' lin.ft.x \$28.50)	<u>11,400.00</u>
	\$202,400.00

Guadalupe Street:- from West 19th St. to West 24th St.  
(10' on each side)

Estimated cost per lin. ft.:

Break out curb and gutter	\$ 1.00
Excavation	2.00
Curb and gutter	1.25
Paving	5.00
Revision of utilities	2.25
Revision of sidewalks and driveways	<u>1.00</u>

\$12.50

2300 lin.ft. x \$12.50	<u>\$ 28,750.00</u>
Grand Total -	\$535,900.00

In connection with these projects, I would like to make the following comments. All of these estimates are only approximate since the time was so limited for their preparation. If it is decided that all the projects, or any of them, are to be done, we should be allowed some time to work up more detailed estimates.

The widening of East 1st Street from East Avenue to Pleasant Valley Road is an expensive project for the value that can be gained by the 8 feet of widening. The traffic on East 1st Street would be greatly relieved by the construction of the 7th Street extension and the connection with East 6th Street. It may also be relieved later by the construction of the North River Boulevard.

The widening of Brazos Street from 7th to 11th should probably be undertaken only on the west side. The topography of the ground on the east side is such that a high and expensive retaining wall would be required from 7th to 10th Streets.

It is the opinion of this department and of the Traffic Bureau that the island in West 12th Street from Colorado to West Avenue should not be entirely eliminated. If extra width is required on this street, we feel that the island should be narrowed 10 feet on each side leaving a divided strip 10 feet wide in the center. We have prepared our estimate accordingly.

With reference to the widening of Guadalupe from 8th Street to 19th Street, we believe that Guadalupe would not carry any additional traffic after the widening program unless the intersection at 19th Street is moved to the west to intersect properly with Guadalupe Street north of 19th Street. This would necessitate the purchase of additional right-of-way and paving as shown in the estimate.

It is also our opinion that the widening of Guadalupe from 19th to 24th on the west side would be of little benefit unless the intersection at 19th is corrected, eliminating the offset and further that the widening program be carried north to 29th Street. The paving on Guadalupe between 19th and 24th is 63 feet at the present time, and it is proposed that we widen it 10 feet on the west side, making it 73 feet, whereas at 24th Street Guadalupe is only  $45\frac{1}{2}$  feet wide and 46 feet at 27th Street. We did not prepare an estimate of the cost of widening Guadalupe between 24th and 29th Streets because the purchase of a considerable amount of expensive property would be involved and the cost of the project extremely high.

(Sgd) J. E. Motheral "

The above report was received and filed for further consideration.

Ayres K. Ross, Attorney for John Hugh Willeford, 1700 West 30th Street, came before the Council and asked for reconsideration of his client's application to drive a taxicab which had been denied, stating that his client is incapacitated for other work by reason of physical disabilities incurred in the war. After consideration of the facts in the case, it was moved by Mayor Miller that the said John Hugh Willeford be granted a 90-days probationary permit to drive a taxicab, to report to the Chief of Police in the meantime. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Johnson, Mayor Miller

Noes : None

Absent: Councilmen Glass and Thornberry

Upon motion, seconded and carried, the meeting was then recessed, subject to call of the Mayor.

Approved:

*Tom Miller*  
MAYOR

Attest:

*Shelia McKeen*

CITY CLERK